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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 PETER JASON HELFRICH,

10 Petitioner,

11 vs.

12 ADAM PAUL LAXALT, et al.,

13 Respondents.

Case No. 2:17-cv-02392-APG-PAL

ORDER

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15 Petitioner has filed an application to proceed in forma pauperis (ECF No. 1) and a petition
16 for a writ of mandamus. Petitioner is unable to pay an initial installment. Petitioner must still pay
17 the filing fee in full through monthly installment payments.

18 Petitioner asks the court to issue a writ of mandamus to the state courts, requiring them to
19 dismiss a criminal proceeding against him because the prosecution has not responded to a filing
20 called a “Conditional Acceptance For Value” pursuant to the Uniform Commercial Code.

21 This court lacks jurisdiction to consider the petition for a writ of mandamus. The All Writs
22 Act, 28 U.S.C. § 1651, allows the court to grant extraordinary writs where the court has jurisdiction.
23 However, the All Writs Act does not confer jurisdiction by itself; instead, another statutory or
24 constitutional provision must confer jurisdiction upon the Court. Stafford v. Superior Court, 272
25 F.2d 407, 409 (9th Cir. 1959). No such provision exists that would give this Court jurisdiction to
26 issue a writ of mandamus to a state court. See Demos v. United States Dist. Court for Eastern Dist.
27 of Washington, 925 F.2d 1160, 1161-62 (9th Cir. 1991).

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1 IT IS THEREFORE ORDERED that plaintiff's application to proceed in forma pauperis is
2 **GRANTED**. Plaintiff shall not be required to pay an initial partial filing fee. However, even
3 though this action is being dismissed, by commencing this action plaintiff incurred the obligation to
4 pay the full filing fee pursuant to 28 U.S.C. § 1915(b)(2).

5 IT IS FURTHER ORDERED that, pursuant to 28 U.S.C. § 1915(b)(2), the Nevada
6 Department of Corrections shall pay to the Clerk of the United States District Court, District of
7 Nevada, 20% of the preceding month's deposits to plaintiff's account (inmate #1111875), in the
8 months that the account exceeds \$10.00, until the full \$350 filing fee has been paid for this action.
9 The clerk shall send a copy of this order to the finance division of the clerk's office. The clerk shall
10 also send a copy of this order to the attention of the chief of inmate services for the Nevada
11 Department of Corrections, P.O. Box 7011, Carson City, NV 89702.

12 IT IS FURTHER ORDERED that the clerk of the court file the petition for a writ of
13 mandamus.

14 IT IS FURTHER ORDERED that this action is **DISMISSED** for lack of jurisdiction. The
15 clerk of the court shall enter judgment accordingly and close this action.

16 DATED: November 17, 2017.


ANDREW P. GORDON
United States District Judge